

SECTION B: Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims

1. **(Currently Amended)** ~~A bathtub~~ bathing unit apparatus, comprising:

a reservoir;

a threshold having an outer edge and an inner edge; and

a slope included in the threshold and configured to direct water away from the outer edge toward the inner edge.
2. (Original) The apparatus of Claim 1, wherein the slope comprises a run-off surface facing upwardly and inwardly.
3. (Original) The apparatus of Claim 2, wherein the run-off surface is substantially flat.
4. (Original) The apparatus of Claim 1, wherein the threshold comprises a substantially horizontal surface between the slope and the inner edge.
5. (Original) The apparatus of Claim 4, wherein the slope comprises an outer portion with a height between .25 inch to 1 inch from the substantially horizontal surface.

6. (Original) The apparatus of Claim 5, wherein the slope comprises a transverse span between 0.5 inch to 3 inches.

7. (Original) The apparatus of Claim 4, wherein the slope comprises an angle between 5 to 85 degrees with respect to the substantially horizontal surface.

8. **(Currently Amended)** A ~~shower base assembly~~bathing unit assembly for use in connection with a shower enclosure, comprising:

a bottom floor;

an inner side portion adapted to be disposed adjacent an inner wall of the shower enclosure;

a front side portion adapted to be disposed adjacent to a front wall of the shower enclosure;

a rear side portion adapted to be disposed adjacent to a rear wall of the shower enclosure; and

a threshold portion including an outer edge, an inner edge and a slope configured to direct water from the outer edge toward the inner edge.

9. (Original) The assembly of Claim 8, wherein the slope comprises a run-off surface facing upwardly and inwardly.

10. (Original) The assembly of Claim 9, wherein the run-off surface is substantially flat.

11. (Original) The assembly of Claim 8, wherein the threshold comprises a substantially horizontal surface between the slope and the inner edge.

12. (Original) The assembly of Claim 11, wherein the slope comprises an outer portion with a height between .25 inch to 1 inch from the substantially horizontal surface.

13. (Original) The assembly of Claim 12, wherein the slope comprises a transverse span between 0.5 inch to 3 inches.

14. (Original) The apparatus of Claim 11, wherein the slope comprises an angle between 5 to 85 degrees with respect to the substantially horizontal surface.

15. **(Withdrawn)** A slope for use in connection with an existing bathtub-
~~threshold or shower base~~ bathing unit threshold, comprising:

a length;

an outer portion disposed substantially along the length and having a first height;

an inner portion disposed substantially along the length and having a second height that is less than the first height; and

a slope descending from the outer portion to the inner portion.

16. (Original) A method for preventing leakage from a bathing unit area, comprising:

providing a threshold disposed adjacent to an outer side of the area;

providing the threshold with a slope that declines as it extends inwardly;

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receiving water with the threshold; and

directing the water away from an exterior of the area and toward an interior of the area with the slope.

17. **(New)** The apparatus of claim 1, wherein the bathing unit comprises a bath tub.

18. **(New)** The assembly of claim 8, wherein the bathing unit comprises a shower base assembly.

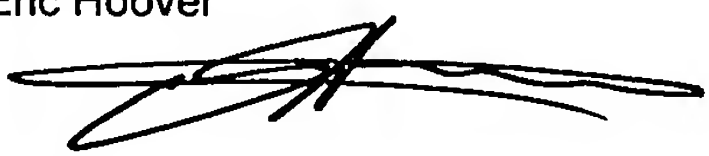
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SECTION C: Response to Restriction Requirement

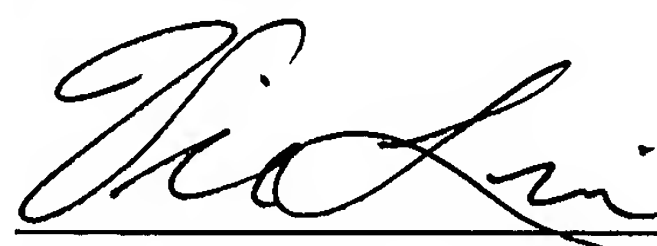
In response to the Office Action mailed September 17, 2004, Applicant hereby elects without traverse to prosecute Group I, containing Claims 1-14 and 16, drawn to a bathing unit, classified in class 4, subclass 584/612. Claim 15 has been withdrawn.

In accordance with 35 U.S.C. 121, Applicant further elects Species I, Figures 1 and 2 for prosecution on the merits, with the understanding that upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species. Claims 1-14 and 16-19 are readable upon the elected species.

Applicant reserves the right to prosecute the non-elected claims in one or more divisional applications. Please feel free to contact the undersigned if you have any questions or comments.

<p align="center"><u>Certificate of Mailing</u></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on October 18, 2004.</p> <p>By Eric Hoover</p> <p align="center"></p> <p>_____ Signature</p>
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Respectfully submitted,



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